

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 06-1318 (MJD/AJB)

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
V.) DEFAULT JUDGMENT AND
) FINAL ORDER OF
REAL PROPERTY LOCATED AT) FORFEITURE
1040 BROMPTON PLACE, MENDOTA)
HEIGHTS, MINNESOTA, DAKOTA)
COUNTY WITH ALL BUILDINGS,)
IMPROVEMENTS, FIXTURES, AND)
APPURTENANCES THERETO,)
)
DEFENDANT.)

Based on the motion of the United States for an order granting default judgment against Darrell Mullerleile and all unknown persons and entities having an interest in the defendant and for a final order of forfeiture; and based on all the files and records in this action, and on the Court's finding that:

1. a verified Complaint for Forfeiture *In Rem* with supporting affidavit was filed on April 6, 2006, alleging that the defendant is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 981(a)(1)(A);
2. plaintiff served a copy of the Complaint for Forfeiture *In Rem* and Notice of Lis Pendens on the following

known interested parties:

a. Darrell Mullerleile, through his attorney Gary Hansen, on May 5, 2006; and

b. Linda Mullerleile, through her attorney Thomas Lehman, on May 9, 2006;

3. Linda Mullerleile filed a timely claim to the defendant real property on or about May 31, 2006;

4. the Plaintiff, Darrell Mullerleile and claimant Linda Mullerleile subsequently entered into a Stipulation for Interlocutory Sale of Real property Located at 1040 Brompton Place, Mendota Heights, Minnesota. The stipulation provided that the defendant real property could be sold, and that the net proceeds from the sale would be submitted to the U.S. Marshal as the substitute *res* for the defendant real property in this action, to be held in an interest bearing account pending further order of the Court or agreement of the parties;

5. an Order Approving Interlocutory Sale of Real Property was signed by the Court on April 26, 2006;

6. proceeds from the sale of the defendant real property in the amount of \$319,887.71 were remitted to the U.S. Marshal on or about April 21, 2006;

7. the plaintiff and claimant Linda Mullerleile entered into a Stipulation for Settlement of Claim on or about October 3, 2006;

8. a notice of the forfeiture action was published by the plaintiff in *Finance and Commerce*, Minneapolis, Minnesota, a newspaper of general circulation in the District of Minnesota, on October 20, 27, and November 3, 2006, giving notice to all unknown interested persons and entities of the verified statement and answer requirements;

9. no verified statements of interest in or right against the defendant or answers to the Complaint for Forfeiture have been filed with the Clerk of Court or served on the United States Attorney, other than the claim which has been filed by Linda Mullerleile, and the time for filing a verified statement and answer has expired;

10. the basis for the forfeiture of the defendant set forth in the Complaint for Forfeiture with supporting affidavit stands unrebuted, and the Plaintiff has met its

burden of establishing that escrowed proceeds from the sale of the defendant real property in the amount of \$194,966.32 are subject to forfeiture to the United pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 981(a)(1)(A),

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the Government's Motion for Default Judgment [Doc. No. 16] is **GRANTED IN PART** and **DENIED IN PART**. The motion is **DENIED** as to judgment against Darrell Mullerleile, and **GRANTED** as to the following:

1. default judgment is entered against all persons served with notice of this action and all unknown persons and entities who have failed to file a verified claim and answer to the Complaint for Forfeiture;

2. all right, title and interest in One Hundred Ninety Four Thousand Nine Hundred Sixty Six and 32/100 dollars (\$194,966.32) of the escrowed proceeds from the sale of the defendant real property is forfeited to and vested in the United States for disposition in accordance with law;

3. the remaining net proceeds from the sale of the defendant real property in the amount of One Hundred Twenty Four Thousand Nine Hundred Twenty One and 39/100 dollars

(\$124,921.39), together with any interest accrued since the date the funds were deposited with the U.S. Marshal, will be paid to the claimant through her attorney;

4. all remaining terms of the Stipulation for Settlement shall be given force and effect;

5. this Court shall retain jurisdiction to resolve any disputes or issues arising from the implementation of the Stipulation for Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 21, 2007

s/ Michael J. Davis
MICHAEL J. DAVIS, Judge
United States District Court